

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re

BROADBAND OFFICE, INC.,

Debtor.

BROADBAND OFFICE, INC.,

Plaintiff,

vs.

TECHNOLOGY CREDIT CORPORATION
d/b/a EXTREME NETWORKS CREDIT
CORPORATION, EXTREME NETWORKS,
INC., and KEY EQUIPMENT FINANCE,
INC. f/k/a KEY CORPORATE CAPITAL,
INC. f/k/a LEASTEC CORPORATION

Defendants.

Civil Action No. 04-407 (GMS)

Bankruptcy Case No. 01-172 (GMS)

Chapter 11

**AFFIDAVIT OF RICARDO PALACIO IN SUPPORT OF
DEFENDANT EXTREME NETWORKS, INC.'S
MOTION FOR SUMMARY JUDGMENT**

I, Ricardo Palacio, declare and say as follows:

1. I am an attorney at the law firm of Ashby & Geddes, co-counsel for Extreme Networks, Inc. ("Extreme Networks") in the above-captioned proceeding. I make this declaration of my personal knowledge, and if called upon to testify to the matters stated herein, I could and would do so competently.

2. I make this declaration in support of Extreme Networks' Motion for Summary Judgment under Fed.R.Civ.P. 56.

3. Attached to the Appendix of Evidence in Support of Defendant Extreme Networks, Inc.'s Motion for Summary Judgment ("Appendix"), filed concurrently herewith, as

Exhibit A is a true and correct copy of pertinent excerpts of the transcript of the Deposition of James Hartigan.

4. Attached to the Appendix as Exhibit B is a true and correct copy of pertinent excerpts of the transcript of the Deposition of Richard Salhany.

5. Attached to the Appendix as Exhibit C is a true and correct copy of the Agreement for the Purchase of Equipment, dated June 9, 1999, numbered TCC00346 through TCC00356, as produced by Technology Credit Corporation ("TCC").

6. Attached to the Appendix as Exhibit D is a true and correct copy of the Fictitious Business Name statements filed by TCC, numbered TCC00317 through TCC00320, as produced by TCC.

7. Attached to the Appendix as Exhibit E is a true and correct copy of the Master Lease Agreement dated March 9, 2000, with schedules, numbered BBO-225, 226, 1, 2, 3, 260, 261, 262, 21, 22, 23, 128, 129, 130, 138, 139, 140, 147, 148, 149, 150, 151, 152 and 153, as produced by Broadband Office, Inc. ("BBO").

8. Attached to the Appendix as Exhibit F is a true and correct copy of the Proof of Claim of Key Equipment Finance, dated June 21, 2001, as filed in *In re Broadband Office, Inc.*

9. Attached to the Appendix as Exhibit G is a true and correct copy of certain Bills of Sale, numbered BBO-91, 204, 126, 136, 145 and 160, as produced by BBO.

10. Attached to the Appendix as Exhibit H is a true and correct copy of certain Bills of Sale and Assignments, numbered BBO-92, 203, 125, 219, 144 and 42, as produced by BBO.

11. Attached to the Appendix as Exhibit I is a true and correct copy of the Lease Guaranty, dated March 24, 2000, numbered BBO-111 and 110, as produced by BBO.

12. Attached to the Appendix as Exhibit J is a true and correct copy of pertinent excerpts of Attachment G-5 to the Schedules of the Debtor, as filed in *In re Broadband Office, Inc.*

13. Attached to the Appendix as Exhibit K is a true and correct copy of the Proof of Claim of Extreme Networks Credit Corporation, dated February 5, 2002, as filed in *In re Broadband Office, Inc.*

14. Attached to the Appendix as Exhibit L is a true and correct copy of pertinent excerpts of Attachment SOFA3.a to the Statement of Financial Affairs of the Debtor, as filed in *In re Broadband Office, Inc.*

15. Attached to the Appendix as Exhibit M is a true and correct copy of a letter dated April 10, 2003, numbered BBO-354 through 355, as produced by BBO.

16. Attached to the Appendix as Exhibit N is a true and correct copy of a letter dated April 28, 2003, numbered BBO-359 through 363, as produced by BBO.

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17. Attached to the Appendix as Exhibit O is a true and correct copy of a letter dated July 25, 2003, numbered BBO-356 through 357, as produced by BBO.

18. Attached to the Appendix as Exhibit P is a true and correct copy of a letter dated September 27, 2004, numbered TCC00034 through 40, as produced by TCC.

19. Attached to the Appendix as Exhibit Q is a true and correct copy of a letter dated May 20, 2004, with attachments, numbered TCC00001 through 33.

Executed on March 15, 2007 at Wilmington, Delaware.

By:



Ricardo Palacio (I.D. #3765)

SWORN TO AND SUBSCRIBED before me this 15th day of March, 2007.



Notary Public

